REMARKS

Claims 1, 3-5, 7, 9-18, 20 and 21 are pending in the present application. No additional claims fee is believed to be due.

Claims 2, 6, 8, and 19 are canceled without prejudice.

Claims 1, 9 and 18 have been amended to more specifically characterize the invention of the present application. Support for the amendment of Claims 1 and 18 are found at page 2, lines 8-11; page 20, line 8 – page 21, line 9 of the specification. Claim 9 has also been rewritten as it previously was dependent upon Claim 6, which has been canceled without prejudice

In addition, new Claims 20 and 21 have been added. Support for this amendment is found at page 5, line 30 – page 6, line 2 of the specification.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC 112, Second Paragraph

The Office Action States Claims 18 and 19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for double inclusion in that the "polymeric material" and "one or more linear or cyclic polyamines" overlap in scope.

Applicants have amended Claim 18 to address the rejection under 35 U.S.C. § 112, second paragraph. Applicants have canceled without prejudice Claim 19.

Rejection Under 35 USC 102 Over WO 98/12296

The Office Action States Claim 1, 2, and 11 are rejected under 35 U.S.C. § 102(a) as being anticipated by WO 98/12296.

Applicants have amended Claims 1 and 18 to more distinctly claim the homo-condensates and co-condensates being of basic amino acids selected from the group consisting of lysine, ornithine, arginine, and tryptophan. Applicants submit that WO 98/12296 does not teach a fabric enhancement composition comprising a polymeric material of the claimed invention of the present application.

Rejection Under 35 USC 103(a) Over WO 98/12296

Claims 1, 2, 11-16, 18, and 19 have been rejected under 35 USC 103(a) as being unpatentable over WO 98/12296. Applicants respectfully traverse this rejection as WO 98/12296 does not establish a *prima facie* case of obviousness because it does not teach or suggest all of Applicants' claim limitations as discussed above. Therefore, Applicants' content that the claimed invention is unobvious and that the rejection should be withdrawn.

Rejection Under 35 USC 103(a) Over WO 98/12296 in view of WO 99/07813

Claims 1-11, 13-16, 18 and 19 been rejected under 35 USC 103(a) as being unpatentable over WO 98/12296 in view of WO 99/07813.

Applicants have amended Claims 1 and 18 to more distinctly claim the homo-condensates and co-condensates being of basic amino acids selected from the group consisting of lysine, ornithine, arginine, and tryptophan. Applicants submit that WO 98/12296 does not teach or suggest a fabric enhancement composition comprising a polymeric material of the claimed invention of the present application. Applicants further submit that WO 98/12296 in view of WO 99/07813 does not teach or suggest the claimed invention of the present invention. Neither reference teaches or suggests the alkoxylation of the polymeric material wherein the hydrogen atoms of the primary amino units –NH2 units, and secondary amino units, -NH units, are replaced by alkyleneoxy units. Page 22, lines 3-12; Examples 5, 6, 7; Tables IV and V.

Rejection Under 35 U.S.C §103(a) Over WO 98/12296 in view of US 5,629,278 (Baeck et al)

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over WO 98/12296 as applied to claims 1, 2, 11-16, 18 and 19 (discussed above), and further in view of Baeck et al..

Applicants have amended Claims 1 and 18 to more distinctly claim the homo-condensates and co-condensates being of basic amino acids selected from the group consisting of lysine, ornithine, arginine, and tryptophan. Applicants submit that WO 98/12296 does not teach or suggest a fabric enhancement composition comprising a polymeric material of the claimed invention of the present application. Applicants further submit that WO 98/12296 in view of Baeck et al. does not teach or suggest the claimed invention of the present invention. Neither reference teaches or suggests the alkoxylation of the polymeric material wherein the hydrogen atoms of the primary amino units –NH2 units, and secondary amino units, -NH units, are replaced by alkyleneoxy units. Page 22, lines 3-12; Examples 5, 6, 7; Tables IV and V.

Double Patenting

Claims 1-19 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of US 6,531,438 or claims 1-19 of US 6,525,013. Claims 1-19 have been further rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending Application No. 09/914525 or claims 1-3 co-pending Application No of 10/110914.

Applicants submit that, as amended, Claims 1-19 are patentable distinct from Claims 1-34 of US 6,531,438 and Claims 1-19 of US 6,525,013. Specifically that Claims 1-19 more distinctly claim the homo-condensates and co-condensates being of basic amino acids selected from the group consisting of lysine, ornithine, arginine, and tryptophan wherein the homo-condensates and co-condensates of basic amino acids are alkoxylated such that the hydrogen atoms of the primary amino units –NH2 units, and secondary amino units, -NH units, are replaced by alkyleneoxy units. Page 22, lines 3-12; Examples 5, 6, 7; Tables IV and V.

Applicants further submit that, as amended, Claims 1-19 are patentable distinct from claims 1-10 of co-pending Application No. 09/914525 or claims 1-3 of co-pending Application No 10/110914. Specifically that Claims 1-19 more distinctly claim the homo-condensates and co-condensates being of basic amino acids selected from the group consisting of lysine, ornithine, arginine, and tryptophan wherein the homo-condensates and co-condensates of basic amino acids are alkoxylated such that the hydrogen atoms of the primary amino units –NH2 units, and secondary amino units, -NH units, are replaced by alkyleneoxy units. Page 22, lines 3-12; Examples 5, 6, 7; Tables IV and V.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §§ 112, second paragraph, 102, 103, and judicially created double patenting. Early and favorable action in the case is respectfully requested. If, prior to allowance, any outstanding issues exist, Applicants' attorney would welcome the opportunity to resolve such issues via a phone interview.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing,

Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1, 3-5, 7, 9-18, 20 and 21.

Respectfully submitted,

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By_____

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August 29, 2003
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Abstract

A fabric enhancement composition comprising from about 0.1% to about 30% by weight of a polymeric material comprising basic amino acids suitably modified by alkoxylation with an average of 0.1 to about 30 alkyleneoxy units.